

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT KEITH ERNST,

Plaintiff,

v.

DAVIS FRANCES RAMOS, et al.,

Defendants.

No. 2:21-cv-00813-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DENYING
PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING ORDER OR
PRELIMINARY INJUNCTION

(Doc. Nos. 13, 21)

Plaintiff Scott Keith Ernst is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 4, 2022, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion for a temporary restraining order or preliminary injunction (Doc. No. 13) be denied because plaintiff has not shown that he is likely to succeed on the merits of his claims and because his request for the issuance of a preliminary injunction is premature since no defendant has yet been served in this action. (Doc. No. 21 at 4–5.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto must

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1 be filed within fourteen (14) days of service. (*Id.* at 6) No objections have been filed and the
2 time to do so has since passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
4 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
5 court finds the findings and recommendations to be supported by the record and proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on April 4, 2022 (Doc. No. 21) are
8 adopted in full;
- 9 2. Plaintiff's motion for a temporary restraining order or preliminary injunction (Doc.
10 No. 13) is denied; and
- 11 3. This matter is referred back to the assigned magistrate judge for further
12 proceedings.

13 IT IS SO ORDERED.

14 Dated: September 5, 2022

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16 UNITED STATES DISTRICT JUDGE